

PART 4 - AMENDMENTS TO BILLS AND RESOLUTIONS

The drafting, typing, and proofreading of amendments to bills and resolutions require the same care used in the original drafting process. This part of the manual describes items that should be kept in mind as amendments to bills or resolutions are drafted. At the end of this part of the manual are examples of amendments.

PROPER VERSION

Be certain amendments are made to the version of the bill or resolution which is in the custody of the committee clerk.

AMENDMENT HEADING

When proposing amendments to a bill or resolution that has not been engrossed or reengrossed, the heading of the first page of the amendments should be in a form such as:

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1039

When proposing amendments to a bill or resolution that has been engrossed, the amendments must be made to the engrossed version. The heading of the first page of the amendments should be in a form such as:

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2050

When proposing amendments to a bill or resolution that has been reengrossed, the amendments must be made to the reengrossed version. The heading of the first page of the amendments should be in a form such as:

PROPOSED AMENDMENTS TO REENGROSSED
SENATE BILL NO. 2048

TYPES OF AMENDMENTS

Correcting the Title

When amending a bill or resolution, the title should be corrected as needed to indicate any addition or removal of sections, or to add new statements concerning the contents of the bill or resolution. Place language that is to be removed, added, or otherwise changed, or which helps explain the position of other language in quotes. For example:

Page 1, line 5, after "sections" insert "10-06-01.2,"

NOTE: The language or numerals added by amendment are not underscored unless they must be underscored in the bill.

Correcting the Amending or Creating Clause

When correcting faulty amending or creating clauses, additions to the clauses are made without underscoring the new language and removals are made without overstriking the language to be eliminated. For example:

Page 1, line 18, replace "Subsection" with "Subsections 1 and"

Page 1, line 19, replace "is" with "are"

Correcting Internal References

When sections of the bill are added, removed, or renumbered by amendment, the rest of the bill must be checked to ensure that references to the added, removed, or renumbered sections located elsewhere in the bill conform to the changes made.

Page 3, line 16, replace "10-06-40" with "10-06-41"

Adding New Language to Bill

When proposing new language to a bill, the proposed new language is always underscored. For example:

Page 3, line 20, after “annual” insert “report”

Page 6, line 8, after “seventeen” insert “years”

Removing Existing Language From the Law

When proposing the removal of language from an existing section of law, the language is removed by using the word **overstrike**. For example:

Page 3, line 15, overstrike “forty percent”

Reinstating Existing Language Proposed to Be Removed by Overstrikes

When existing law has been proposed for removal in a bill through the use of an overstrike of the language and the desire is to preserve and reinstate the language as it currently reads in the Century Code or Session Laws, an amendment removes the overstrike as follows:

Page 3, line 18, remove the overstrike over “~~as provided by law~~”

Page 3, remove the overstrike over lines 25 through 30

Reinstating Existing Language Proposed to Be Removed by Overstrikes and Adding New Language

When existing law has been proposed for removal in a bill through the use of an overstrike of the language and the desire is to preserve and reinstate the language as it currently reads in the Century Code or Session Laws and to also add new language, the following format must be used:

Page 3, line 18, remove the overstrike over “~~as provided by law~~” and insert immediately thereafter “the director and”

Removing Proposed New Language

When proposing the removal of proposed new language from a bill, the amendment uses the word **remove**. For example:

Page 6, line 17, remove “ninety percent or more”

Whenever several pages would be removed from a bill by an amendment, it is necessary to deal with one page at a time. For example:

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 30

Replacing Proposed New Language

When replacing proposed new language, the replacement language follows the removed language. For example:

Page 1, line 7, replace “secretary of state and” with “tax commissioner.”

Page 1, remove lines 8 through 10

Removing Existing Language From the Law and Removing Proposed New Language

When proposing the removal of language from an existing section of law and in the bill new language has been added within the language to be removed, the language to be removed must be overstruck and the new language must be removed. For example:

Page 1, overstrike lines 20 through 24

Page 1, line 25, overstrike “management and budget”, remove “or the director’s designee”, and overstrike the period

Removing Existing Language and Adding Proposed New Language in the Same Line of a Bill

When proposing the removal of existing language from a section of law and adding proposed new language to replace the overstruck language, the proposed new language follows the language to be overstruck. For example:

Page 4, line 17, overstrike “twenty-one” and insert immediately thereafter
“eighteen”

Inserting or Removing Subsections or Subdivisions

When inserting or removing a subsection or subdivision from a bill, the amendment must renumber or reletter the subsections or subdivisions. For example:

Page 9, line 14, after the period insert:

““Primarily” means more than fifty percent of the time the
machinery or equipment is used.
g.”

Page 9, line 19, overstrike “g.” and insert immediately thereafter “h.”

Inserting an Existing Section of Law Into a Bill

When proposing the insertion of an existing section of law from the North Dakota Century Code into a bill, an example of the proper form to use is:

Page 1, after line 6, insert:

“SECTION 3. AMENDMENT. Section 14-03-01 of the North Dakota
Century Code is amended and reenacted as follows:

14-03-01. What constitutes marriage. Marriage is a personal relation
arising out of a civil contract between one man and one woman to which the
consent of the parties is essential.”

When inserting a section of law into a bill, the section must be placed in the bill in the proper listing sequence. See page 13.

When inserting existing law, it is also necessary to change the title to reflect the insertion and to check to see if internal references throughout the bill to other sections in the bill or to the section being inserted will require change.

LAST LINE

At the end of the amendments, place the statement:

Renumber accordingly

“Renumber accordingly” instructs the Legislative Council staff to renumber the sections of the bill if necessary. The amendments should include amendments to renumber cross-references to section numbers within the bill when necessary. A drafter should not rely on the statement “Renumber accordingly” to include changes in cross-references within the bill.

FORMAT

In drafting amendments, first cite the page number and then the line number. Lines are not numbered on the amendment pages. Amendments must be single-spaced, with one space between each amendment on the same page. There should be three line spaces

between amendments on different pages. An example of the form and style of a set of amendments (without the heading) to a bill is:

Page 1, line 7, remove “to provide an appropriation;”

Page 1, line 18, replace “reclamation for productive use” with “reclaimed or reclaim”

Page 2, line 26, after the period insert “Any operator feeling aggrieved by the plan approved by the commission may request a hearing.”

Page 3, line 17, replace the first “the” with “an” and replace “shall” with “may”

Page 4, line 18, overstrike “answer in the appropriate court” and after “can” insert “reply to the affidavit”

Page 4, remove lines 22 through 28

Renumber accordingly

An example of a set of amendments (without the heading) to an appropriations bill is:

Page 2, line 13, replace “553,634” with “518,334”

Page 2, line 33, replace “general” with “special tax refund”

Renumber accordingly

The form to use to remove a considerable body of material from a bill is:

Page 1, line 2, remove “to authorize certain banks”

Page 1, line 3, remove “to maintain one or more trust offices,”

Page 2, remove lines 26 through 31

Page 2, line 32, replace “7” with “6”

Page 4, remove lines 1 through 10

Page 5, remove lines 25 through 35

Page 6, remove lines 1 through 34

Renumber accordingly

The form to use to replace a considerable body of material in a bill or resolution is:

Page 1, replace lines 17 through 23 with:

“**SECTION 5.** A new subsection to section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

An individual, estate, or trust must be allowed a credit against the tax otherwise due under this section.”

Renumber accordingly

HOGHOUSE AMENDMENTS

In some cases it may be acceptable to accomplish the removal of all of the text of a bill through use of a “hoghouse” amendment. **Use of “hoghouse” amendments is discouraged**, but if clarity is enhanced, a “hoghouse” amendment may be used. Examples 11 and 14 in this part are examples of “hoghouse” amendments.

AMENDMENTS TO BILLS THAT HAVE BEEN AMENDED BUT NOT ENGROSSED

Before preparing a set of amendments to any bill, the bill must be checked to see if amendments to the bill have been adopted. A bill may have been amended without being engrossed (or reengrossed). This frequently happens when a bill is amended by the second house.

If the bill has not been previously amended, the amendments can be prepared for the bill as introduced. If the bill has been amended, and the bill has been engrossed or reengrossed, the amendments must be to the engrossed or reengrossed bill.

If amendments to the bill have not been inserted into the bill, one of these alternatives should be used:

1. If the second set of amendments is independent of the first set, e.g., the second set of amendments does not affect any portion of the bill affected by the first set of amendments, a statement should be inserted as a paragraph below the caption of the amendments and above the actual text of the amendments as follows:

In addition to the amendments adopted by the ____ as printed on page ____ of the ____ Journal, ____ Bill No. ____ is further amended as follows:

2. If the second set of amendments is not independent of the first set, e.g., the second set directly affects the first set, one of these alternatives should be used, depending upon the length of the amendments:
 - a. If the first set of amendments is lengthy, and the second set of amendments is very brief, the amendments may be to the amendments as printed in the journal. An introductory paragraph should be used as follows:

That the amendments to House Bill No. ____ as printed on page ____ of the ____ Journal be amended as follows:

Page ____ of the ____ Journal, line ____, after “good bills” insert “are always approved”

NOTE: When amending amendments that are printed in the journal, always refer to the printed line of the journal in which is found the material you are changing. The running head (top line which has the page number and date) should be counted, as should any line composed of asterisks. If there is confusion as to the journal line, use enough words in your quoted material so that the line to which you are referring is readily ascertainable.

- b. If the second set of amendments is to retreat from the first set and to do something different, or to substantially revise the first set, instead of amending the amendments as contained in the journal, an introductory paragraph should be used as follows:

In lieu of the amendments adopted by the ____ as printed on page ____ of the ____ Journal, ____ Bill No. ____ is amended as follows:

CONFERENCE COMMITTEE REPORTS AND AMENDMENTS

The introductory language for conference committee amendments differs from amendments prepared for standing committees.

The specific report language must recognize that a chamber accede to or recede from amendments of the other chamber and must recognize whether a bill has been engrossed or reengrossed. Generally, a bill is not engrossed or reengrossed by the second house; however, House and Senate Rules 335 provide that a bill amended in the second house may be engrossed or reengrossed upon motion or on request of a leader.

Amendments adopted by a conference committee must include that portion of the committee report which describes what version of the bill is to be amended, i.e., how to put the amendment into the bill. This enables the committee clerk to fill out the conference committee report form.

The following are examples of report language that is included as the introductory paragraph in conference committee amendments. Reference should be made to the appropriate pages of each chamber's journal where the amendments are printed. List the pages of the journal of the chamber of origin of the measure before the pages of the journal of the second house.

1. A bill that was amended in the second house.
 - a. If the conference committee wants the first house to agree to the amendments by the second house:

That the (House) (Senate) accede to the (Senate) (House) amendments as printed on pages ____ of the (House) (Senate) Journal and pages ____ of the (Senate) (House) Journal.
 - b. If the conference committee wants to reject the amendments adopted by the second house:

That the (House) (Senate) recede from its amendments as printed on pages ____ of the (Senate) (House) Journal and pages ____ of the (House) (Senate) Journal.
 - c. If the conference committee wants to reject the amendments adopted by the second house and to amend the bill, which was not engrossed by the second house:

That the (House) (Senate) recede from its amendments as printed on pages ____ of the (Senate) (House) Journal and pages ____ of the (House) (Senate) Journal and that (Senate) (House) Bill No. ____ be amended as follows:
 - d. If the conference committee wants to accept the amendments adopted by the second house and to further amend the bill, which was not engrossed by the second house:

That the (House) (Senate) accede to the (Senate) (House) amendments as printed on pages ____ of the (House) (Senate) Journal and pages ____ of the (Senate) (House) Journal and that (House) (Senate) Bill No. ____ be further amended as follows:

NOTE: The decision whether to accede to the amendments or recede from the amendments depends on the type of "further" amendments to be made. If the new amendments would amend the other amendments, the appropriate method would be to recede from the "old" amendments.

- e. If the conference committee wants to further amend the bill, which was engrossed by the second house, this form is to be used:

That the (House) (Senate) accede to the (Senate) (House) amendments as printed on pages ____ of the (House) (Senate) Journal and pages ____ of the (Senate) (House) Journal and that (House) (Senate) Bill No. ____ as engrossed by the (Senate) (House) be amended as follows:

NOTE: The second house cannot recede from its amendments if that chamber has engrossed the bill. If the second house is to “recede” from its amendments, the engrossed bill must be amended to remove the amendments.

2. A bill that was amended in the first house (engrossed), and amended in the second house, but not reengrossed.

- a. If the conference committee wants to approve the amendments adopted by the second house:

That the (House) (Senate) accede to the (Senate) (House) amendments as printed on pages ____ of the (House) (Senate) Journal and pages ____ of the (House) (Senate) Journal.

- b. If the conference committee wants to reject the amendments adopted by the second house and to amend the bill:

That the (House) (Senate) recede from its amendments as printed on pages ____ of the (Senate) (House) Journal and pages ____ of the (House) (Senate) Journal and that Engrossed (Senate) (House) Bill No. ____ be amended as follows:

- c. If the conference committee wants to approve the amendments adopted by the second house and to further amend the bill:

That the (House) (Senate) accede to the (Senate) (House) amendments as printed on pages ____ of the (House) (Senate) Journal and pages ____ of the (Senate) (House) Journal and that Engrossed (House) (Senate) Bill No. ____ be further amended as follows:

3. If the bill is amended in the first house (engrossed), and amended in the second house, and reengrossed by the second house.

- a. If the conference committee wants to approve the amendments as adopted in the second house:

That the (House) (Senate) accede to the (Senate) (House) amendments as printed on pages ____ of the (House) (Senate) Journal and pages ____ of the (Senate) (House) Journal.

- b. If the conference committee wants to accept the amendments adopted by the second house and to further amend the bill:

That the (House) (Senate) accede to the (Senate) (House) amendments as printed on pages ____ of the (House) (Senate) Journal and pages ____ of the (Senate) (House) Journal and that (House) (Senate) Bill No. ____ as reengrossed by the (Senate) (House) be amended as follows:

NOTE: In this case the second house cannot recede from its amendments. Amendments must be made to the reengrossed bill.

EXAMPLES OF AMENDMENTS

This part contains examples to illustrate various methods used in amending bills and resolutions.

1. Amendments to a Bill as Introduced
2. Amendments Inserting an Additional Section in an Engrossed Bill
3. Amendments Inserting an Effective Date Clause in a Reengrossed Bill
4. Amendments Inserting a New Line Item Appropriation in an Engrossed Bill
5. Amendments Adding and Amending a Section of Existing Law to an Engrossed Bill
6. Amendments Adding and Amending Subsections of Existing Law to a Bill (illustrates breaking a long subsection into subdivisions)
7. Amendments Adding and Amending a Subsection of Existing Law to a Bill That Amends a Subsection of the Same Section of Existing Law
8. Amendments Adding a New Subsection to an Engrossed Bill Creating New Law
9. Amendments Providing for an Amendment in the Alternative
10. Amendments to Amendments That Appear in the Journal but Have Not Been Adopted
11. Hoghouse Amendment
12. Amendments Replacing a Substantial Amount of Material
13. Amendments to an Engrossed Concurrent Resolution
14. Hoghouse Amendment to a Resolution for a Constitutional Amendment
15. Amendments to a Resolution to Provide for an Alternative Constitutional Amendment
16. Conference Committee Amendments Acceding to Previous Amendments and Further Amending the Engrossed Bill
17. Amendments to a Bill That Has Been Amended but Not Passed or Engrossed
18. Division of the Question on Amendments
19. Amendments to Correct and Revise the Journal
20. Amendments Renumbering Sections and Subsections of a Bill
21. Amendments in Addition to Amendments Already Adopted

Example 1 - Amendments to a Bill as Introduced

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1250

Page 1, remove the underscore under lines 6 through 26

Page 1, line 27, remove the overstrike over “~~three~~” and remove “four”

Page 2, line 1, remove “seventy-five”

Page 2, line 4, remove the overstrike over “~~five~~”, remove “six”, and remove “and fifty cents”

Page 2, line 6, remove the overstrike over “~~eight~~”, remove the overstrike over “~~and fifty~~”, and remove “ten”

Page 2, line 7, remove the overstrike over “~~cents~~”

Page 2, line 10, replace “from July 1, 2007,” with an underscored period

Page 2, remove lines 11 and 12

Page 2, line 18, after “receipt” insert “or the certificate of a member of the legislative assembly”

Page 2, line 21, replace “thirty-three” with “thirty”

Page 3, line 3, overstrike “The travel”

Page 3, overstrike lines 4 through 8

Page 3, line 17, replace “thirty” with “twenty-five”

Page 3, line 20, overstrike “thirty” and insert immediately thereafter “thirty-five”

Page 4, line 8, after “aircraft” insert “, except for leased or rented private aircraft from a recognized fixed base aviation operator who is in the business of leasing and renting private aircraft and is located on an airport open for public use”

Page 4, line 33, replace “thirty” with “twenty-five”

Page 5, line 4, after “year” insert “, up to a maximum of two hundred fifty thousand dollars”

Renumber accordingly

Example 2 - Amendments Inserting an Additional Section in an Engrossed Bill

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1001

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to reports by the state tax commissioner to the budget section of the legislative council regarding the auditing enhancement program and settlements of tax assessments; and"

Page 5, after line 14, insert:

"SECTION 7. A new section to chapter 57-01 of the North Dakota Century Code is created and enacted as follows:

Reports on auditing enhancement program and settlement of tax assessments. The state tax commissioner shall submit reports quarterly to the budget section of the legislative council on the progress made in collecting additional tax revenues under the auditing enhancement program and on settlements of tax assessments. For any settlements of tax assessments made during the quarterly period the reports must contain:

1. The amount assessed and the date assessed.
2. The amount collected and the date of collection.
3. An explanation of efforts to finalize collection, including information regarding negotiations."

Renumber accordingly

Example 3 - Amendments Inserting an Effective Date Clause in a Reengrossed Bill

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1078

Page 1, line 2, remove “and”

Page 1, line 3, after “compact” insert “; and to provide a contingent effective date”

Page 15, after line 2, insert:

“SECTION 3. EFFECTIVE DATE. This Act becomes effective on August 1, 2007, unless the state of South Dakota, pursuant to chapter 240, 1989 Session Laws of South Dakota, has ratified and approved the Dakota interstate low-level radioactive waste compact as created by, and in substantially form and substance as, House Bill No. 1077 as enacted by the fifty-first legislative assembly of North Dakota, in which event this Act does not become effective.”

Renumber accordingly

Example 4 - Amendments Inserting a New Line Item Appropriation in an Engrossed Bill

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1662

Page 1, line 6, after the semicolon insert "to provide an appropriation;"

Page 11, after line 10, insert:

"Minot state university	Library building	6,000,000"
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Page 11, line 11, replace "14,800,000" with "20,800,000"

Page 11, after line 29, insert:

"SECTION 23. APPROPRIATION - MINOT STATE UNIVERSITY. There is appropriated \$1,200,000, or so much of that amount as may become available, from federal, private, and other funds to Minot state university in addition to other moneys appropriated in this Act for a regional library at Minot state university."

Renumber accordingly

Example 5 - Amendments Adding and Amending a Section of Existing Law to an Engrossed Bill

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1067

Page 1, line 5, after "sections" insert "10-06-01.2,"

Page 2, after line 2, insert:

"SECTION 2. AMENDMENT. Section 10-06-01.2 of the North Dakota Century Code is amended and reenacted as follows:

10-06-01.2. Surface coal mining - Exception. A corporation not engaged in the business of farming or ranching may own or lease lands used for farming or ranching, when the business of such a corporation is the conducting of surface coal mining operations or related energy conversion, ~~and~~ when the owning or leasing of lands used for farming or ranching is reasonably necessary in the conduct of the business of surface coal mining or related energy conversion, and when the lands used for farming or ranching are identified in the permit application under section 38-14.1-14 or the extended mining plan under section 38-14.1-15. When such necessity for owning or leasing of lands used for farming or ranching no longer exist or if the lands are not identified in the permit application or the extended mining plan by August 1, 2007, for land owned or leased by the business before August 1, 2007, or within ten years from the date of ownership or lease for land acquired after July 31, 2007, this exception ceases and the corporation owning or leasing such lands shall thereafter be subject to this chapter."

Renumber accordingly

Example 6 - Amendments Adding and Amending Subsections of Existing Law to a Bill

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1658

Page 1, line 2, after the semicolon insert “to amend and reenact subsections 7 and 8 of section 57-39.2-01 and subsections 5 and 8 of section 57-40.2-01 of the North Dakota Century Code, relating to imposition of sales and use taxes on the price of services to repair or clean automobiles or trucks;”

Page 1, replace lines 19 through 28 with:

“SECTION 2. AMENDMENT. Subsections 7 and 8 of section 57-39.2-01 of the North Dakota Century Code are amended and reenacted as follows:

7. “Retail sale” or “sale at retail” means the any of the following:

- a. The sale, including the leasing or renting, to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property; ~~the~~.
- b. The sale of steam, gas, and communication service to retail consumers or users; ~~the~~.
- c. The ordering, selecting, or aiding a customer to select any goods, wares, or merchandise from any price list or catalog, which the customer might order, or be ordered for such customer to be shipped directly to such customer; ~~the~~.
- d. The sale or furnishing of hotel, motel, or tourist court accommodations, tickets, or admissions to any place of amusement, athletic event, or place of entertainment, including the playing of any machine for amusement or entertainment in response to the use of a coin; ~~and the~~.
- e. The sales of magazines and other periodicals. . . .”

Renumber accordingly

**Example 7 - Amendments Adding and Amending a Subsection of Existing Law
to a Bill That Amends a Subsection of the Same Section of Existing
Law**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1448

Page 1, line 1, replace “subsection” with “subsections” and after “4” insert “and 5”

Page 1, line 3, after “dance” insert “and public dancing place”

Page 1, line 6, replace “Subsection” with “Subsections” and after “4” insert “and 5”

Page 1, line 7, replace “is” with “are”

Page 1, line 11, after the first “the” insert “sole”

Page 1, after line 13, insert:

- “5. “Public dancing place” means a room, place, or space, which has a ~~seating~~
capacity of at least ~~five~~ one hundred people, open to public patronage
where dancing in which the public may participate is carried on and where
the public is present primarily for the sole purpose of dancing.”

Renumber accordingly

**Example 8 - Amendments Adding a New Subsection to an Engrossed Bill
Creating New Law**

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1318

Page 8, after line 2, insert:

“10. Any person who markets or distributes food, food materials, or dietary supplements and engages in the explanation of the use of those products for general nutritional needs, if the person does not represent that the person is a licensed registered dietitian or licensed nutritionist.”

Renumber accordingly

Example 9 - Amendments Providing for an Amendment in the Alternative

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1432

Page 1, line 2, after "Code" insert "or in the alternative to amend and reenact the new section to chapter 4-35 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2137, as approved by the sixtieth legislative assembly,"

Page 2, line 4, replace "Section" with "If Senate Bill No. 2137 does not become effective, section"

Page 2, after line 23, insert:

"SECTION 3. AMENDMENT. If Senate Bill No. 2137 becomes effective, the new section to chapter 4-35 of the North Dakota Century Code, as created by section 1 of Senate Bill No. 2137, is amended and reenacted as follows:

Reports of loss through pesticide application required. No civil action may be commenced arising out of the application of any pesticide by any applicator inflicting damage on property other than property with the target area of the pesticide application, unless the claimant has filed a verified report of loss with the agriculture commissioner, together with proof of service of the verified report of loss upon the applicator allegedly responsible and, if the claimant is not the person for whom the work was done, then also the person for whom the work was done, within a period of sixty days from the occurrence of the loss or within sixty days from the date the claimant knew the loss had occurred. If the damage is alleged to have been occasioned to growing crops, the report must be filed prior to the time when fifty percent of the crop was harvested. If, however, the applicator does not inform the claimant of the legal requirements for the claimant to file a verified report of loss, the claimant shall have one year from the date of the incident to file a verified report of loss. No verified report of loss is required when the claimant was the operator or applicator of the herbicide, insecticide, fungicide, or agricultural chemical."

Renumber accordingly

Example 10 - Amendments to Amendments That Appear in the Journal but Have Not Been Adopted

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1404

That the proposed amendments to Engrossed House Bill No. 1404 as printed on pages 1939-1946 of the Senate Journal be amended as follows:

Page 1939 of the Senate Journal, line 35, after “2007” insert “, to provide relief from mortgage foreclosure and cancellations of contracts for deed on agricultural property, to provide for extended periods of redemption and other equitable relief,”

Page 1939 of the Senate Journal, line 40, remove “and”

Page 1939 of the Senate Journal, line 41, after “4-36-25,” insert “32-19-18, 32-19-20, and 32-19.1-04.1”, after “Act” insert “and periods of redemption and notice before foreclosure”, and after the semicolon insert “to provide an expiration date;”

Page 1946 of the Senate Journal, after line 8, insert:

“SECTION 18. Definitions. For the purpose of sections 17 through 27 of this Act, unless the context otherwise requires:

- 1. Agricultural property means any tract more than ten acres [4.05 hectares].”**

Renumber accordingly

Example 11 - Hoghouse Amendment

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1577

Page 1, line 1, after “A BILL” replace the remainder of the bill with “for an Act to create and enact a new subsection to section 15-38-07 of the North Dakota Century Code, relating to required subjects of instruction in all schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 15-38-07 of the North Dakota Century Code is created and enacted as follows:

Give instruction in basic cardiopulmonary resuscitation in accordance with standards adopted by the American heart association, American red cross, or another similar cardiopulmonary resuscitation training program.”

Renumber accordingly

NOTE: Use of hoghouse amendments is discouraged. See page 65.

Example 12 - Amendments Replacing a Substantial Amount of Material

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1171

Page 1, after line 7, replace the remainder of the bill with:

~~“21-03-22. Registration, certification, and delivery~~ Recording of bonds. After the bonds have been executed, they shall ~~must~~ be delivered to the county auditor, except in cities or school districts or park districts having a population of more than four thousand, in which cities, school districts, or park districts they shall ~~must~~ be delivered to the auditor, clerk, or secretary thereof. When ~~such the~~ bonds are delivered to the county auditor, there shall ~~must~~ be delivered to him ~~the county auditor~~ a certified copy of the resolution of the governing body showing their sale. The county auditor, or the auditor, clerk, or secretary of a city, school district, or park district having a population of more than four thousand, upon receipt of ~~such the~~ bonds, shall ~~register~~ record, in a separate book provided for the purpose, an accurate description of every bond so issued, ~~specifying its number, date, purpose, amount, rate of interest, when and where payable, and the coupons attached.~~ In all cases where the ~~registering~~ recording officer is not the ~~recording an~~ officer of the governing body of the municipality issuing the bonds, there also shall ~~must~~ be filed with him a certified copy of all proceedings of the municipality relating to ~~such the~~ issue. When the transaction relating to the sale of ~~said the~~ bonds is to be consummated, there shall ~~must~~ be delivered to the ~~registering~~ recording officer a detailed financial statement of the municipality given by the ~~treasurer auditor, clerk, or secretary~~ of the municipality under oath. When ~~such the~~ bonds have been ~~fully registered~~ recorded as required by this section, and when he ~~the~~ recording officer has received ~~such the~~ detailed financial statement of the municipality, the ~~registering~~ recording officer shall sign an endorsement on the back of each bond certifying that ~~such the~~ bond is ~~registered fully recorded~~ in his ~~that~~ office, and, if ~~such is the truth,~~ that ~~such the~~ bond is issued in accordance with law and is within the debt limit of the municipality issuing the ~~same bond~~. No bond shall be is valid without ~~such the~~ certificate endorsed thereon. When the bonds have been so registered and certified, ~~such registering and certifying”~~

Renumber accordingly

NOTE: Use of this type of amendment is discouraged unless clarity is enhanced.

Example 13 - Amendments to an Engrossed Concurrent Resolution

PROPOSED AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION NO. 4002

Page 2, line 1, replace “2007” with “2009”

Page 3, line 2, replace “July 1, 2007” with “January 1, 2008”

Page 3, line 13, replace “implementing” with “designing and developing”

Renumber accordingly

Example 14 - Hoghouse Amendment to a Resolution for a Constitutional Amendment

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4043

Page 1, line 1, after “resolution” replace the remainder of the resolution with “for the amendment of sections 1 and 10 of article X of the Constitution of North Dakota, relating to property tax levies and substituting, for the mill levy currently provided for the North Dakota medical center, a statewide mill levy for defraying certain expenses for the construction, operation, and maintenance of certain airports; and providing an effective date.

STATEMENT OF INTENT

This amendment substitutes, for the one-mill levy for the North Dakota medical center, a statewide one-mill levy to provide funding for construction, operation, and maintenance of air carrier airports. The amendment provides an effective date of July 1, 2009.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendments to sections 1 and 10 of article X of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 2008, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 1 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 1. The Except as otherwise provided in this article, the legislative assembly shall be prohibited from raising may not raise revenue to defray the expenses of the state through the levying of a tax on the assessed value of real or personal property.

SECTION 2. AMENDMENT. Section 10 of article X of the Constitution of North Dakota is amended”

Renumber accordingly

NOTE: Use of hoghouse amendments is discouraged. See page 65.

Example 15 - Amendments to a Resolution to Provide for an Alternative Constitutional Amendment

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4021

Page 1, line 2, after the comma insert “or in the alternative for the amendment of the new section to the new article V of the Constitution of North Dakota as created by section 4 of House Concurrent Resolution No. 3003, as approved by the sixtieth legislative assembly,”

Page 1, line 10, after “Dakota” insert “if House Concurrent Resolution No. 3003, as approved by the sixtieth legislative assembly, having been submitted to the voters, is not approved in the primary election held in 2008, or the following proposed amendment to the new section to the new article V of the Constitution of North Dakota if House Concurrent Resolution No. 3003 is approved at the primary election,”

Page 1, after line 22, insert:

“SECTION 2. AMENDMENT. The new section to the new article V of the Constitution of North Dakota as created by section 4 of House Concurrent Resolution No. 3003, as approved by the sixtieth legislative assembly, is amended and reenacted as follows:

The qualified electors shall choose the elected state officials at a time designated by the legislative assembly. The elected state officials shall serve until their successors are duly qualified. Terms of office are four years, except that terms of the public service commissioners are six years, so arranged that one of them is elected every two years. The term of the governor begins on December fifteenth following the governor’s election.

If two or more candidates for any executive office receive an equal and highest number of votes, the legislative assembly in joint session shall choose one of them for the office.”

Renumber accordingly

Example 16 - Conference Committee Amendments Acceding to Previous Amendments and Further Amending the Engrossed Bill

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2178

That the Senate accede to the House amendments as printed on pages 1689 and 1690 of the Senate Journal and pages 2101 and 2102 of the House Journal and that Engrossed Senate Bill No. 2178 be further amended as follows:

Page 14, line 34, after the underscored period insert "However, unclaimed intangible property held for the owner by a public employee pension program in this state is not subject to abandonment under this Act until after June 30, 2007."

Renumber accordingly

Example 17 - Amendments to a Bill That Has Been Amended but Not Passed or Engrossed

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1522

In lieu of the amendments adopted by the Senate as printed on page 1558 of the Senate Journal, House Bill No. 1522 is amended as follows:

Page 1, line 1, after the first “the” insert “discretionary” and after “revocation” insert “, and subsequent discretionary reinstatement, by executive order of the governor,”

Page 1, line 3, after the semicolon insert “to provide an expiration date;”

Page 1, line 7, after “The” insert “governor, by executive order, may revoke the”

Page 1, line 12, remove “are hereby revoked” and after the period insert “Revocation of the permit and certificate pursuant to this Act by the governor must be based upon relevant statutory guidelines, including the factors considered in the issuance of a certificate of public convenience and necessity and the factors to be considered in evaluating applications and designations of sites, corridors, and routes as provided in section 49-22-09, and upon the governor’s determination that the MANDAN project is not consistent with the public convenience and necessity of this state, or is not consistent with the general health and welfare of the citizens of this state. If the permit and certificate are revoked pursuant to this Act, the governor, by executive order, may reinstate the permit and certificate based upon the guidelines provided for revocation.”

Page 1, after line 13, insert:

“**SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2009, and after that date is ineffective.”

Renumber accordingly

Example 18 - Division of the Question on Amendments

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2048

DIVISION A

Page 1, line 3, remove “real property or”

Page 1, line 11, after “appropriation” insert “; to provide an appropriation; and to declare an emergency”

Page 1, line 17, remove “real property or”

Page 1, line 19, replace “fee simple” with “, pursuant to legislative authorization.”

Page 1, remove line 20

Page 1, line 25, remove “real”

Page 1, line 26, remove “property or”

Page 2, line 8, remove “real property or”

Page 2, line 11, remove “real”

Page 2, line 12, remove “property or”

Page 2, line 14, remove “real property or”

Page 2, line 22, remove “real”

DIVISION B

Page 2, line 10, after the period insert “The office of management and budget may enter agreements with the industrial commission for the issuance by the industrial commission of certificates of participation under this subdivision.”

Renumber accordingly

Example 19 - Amendments to Correct and Revise the Journal

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Blank, Chairman)** has carefully examined the Journal of the Thirty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 737, line 26, replace "for a" with "to provide" and replace "service" with "services"

Page 737, line 28, replace "for a" with "services"

REP. BLANK MOVED that the report be adopted, which motion prevailed.

Example 20 - Amendments Renumbering Sections and Subsections of a Bill

PROPOSED AMENDMENTS TO SENATE BILL NO. 2296

Page 1, line 19, overstrike "Through December 31, 1983, four cents per gallon"

Page 1, overstrike lines 20 through 24

Page 1, line 25, overstrike "c. From January 1, 1985, through", remove "June 30", and overstrike the third comma

Page 1, overstrike lines 26 and 27

Page 2, line 1, overstrike "d." and remove the overstrike over "June 30"

Page 2, line 2, remove "December 31" and overstrike "1992" and insert immediately thereafter "2007"

Page 2, line 5, overstrike "e." and insert immediately thereafter:

"b. From July 1, 2007, through December 31, 2012, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.

c."

Page 2, after line 6, insert:

"3. The tax reduction allowed under this section applies only to gasoline that contains alcohol manufactured in the United States."

Page 2, line 7, replace "f." with "4." and replace "in" with "under"

Page 2, line 30, overstrike "3." and insert immediately thereafter "5."

Page 2, line 32, overstrike "4." and insert immediately thereafter "6."

Renumber accordingly

Example 21 - Amendments in Addition to Amendments Already Adopted

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1548

In addition to the amendments adopted by the Senate as printed on pages 1576 and 1577 of the Senate Journal, Engrossed House Bill No. 1548 is further amended as follows:

Page 5, line 29, replace "This" with "Sections 1, 2, 3, and 5 of this" and replace "becomes" with "become"

Page 5, line 30, after "2007" insert "and section 4 of this Act becomes effective on July 1, 2007"

Renumber accordingly